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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,459	03/30/2001	Steve Adams	42390P10679	5720
8791	7590	06/08/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			NGUYEN, TOAN D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,459

Applicant(s)

ADAMS ET AL

Examiner

Toan D. Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The claims 35-38 have been withdrawn. Therefore, the applicant is advised to cancel claims 35-38 in the next correspondence.
2. Applicant's request for reconsideration of the rejection of the last Office action (September 22, 2004) is persuasive and, therefore, the last Office action is withdrawn. However, the examiner retained the rejection of the Office action on March 15, 2004.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 5-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliott et al. (US 6,614,781).

For claim 1, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a packet at a network node (figure 1, col. 18 lines 40-50);

determining whether said packet requires advanced routing services (figure 1, col. 18 lines 51-64); and

sending said packet to a host advanced routing server (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 2, Elliott et al. disclose wherein said sending is performed over a virtual connection (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 3, Elliott et al. disclose wherein said virtual connection is secure (col. 79 lines 24-49).

For claim 5, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

- receiving a packet at a network node (figure 1, col. 18 lines 40-50);
- determining whether said packet requires advanced routing services, with said advanced routing services comprising dynamic routing (figure 1, col. 18 lines 51-64);
- sending a request for advanced routing information to a host advanced routing server (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21);
- receiving said advanced routing information (figure 1, col. 18 lines 40-50); and
- routing said packet using said advanced routing information (figure 1, col. 18 lines 40-50).

For claim 6, Elliott et al. disclose wherein said sending is performed over a virtual connection (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 7, Elliott et al. disclose wherein said virtual connection is secure (col. 79 lines 24-49).

For claim 8, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a packet and a request for advanced routing information from an intermediate node (figure 1 and figure 8A, col. 18 lines 40-50, col. 18 lines 60-63 and col. 49 lines 19-21);

determining a packet classification for said packet (col. 76 lines 43-52);

retrieving advanced routing information corresponding to said packet classification (figure 1, col. 18 lines 40-50); and

routing said packet using said advanced routing information (figure 1, col. 18 lines 40-50).

For claim 9, Elliott et al. disclose wherein said packet is received and routed using a virtual connection (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 10, Elliott et al. disclose wherein said virtual connection is secure (col. 79 lines 24-49).

For claim 11, Elliott et al. disclose wherein said retrieving comprises retrieving said routing information from a routing table (figure 5A, col. 34 lines 59-67).

For claim 12, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a request for advanced routing information for a packet from an intermediate node (figure 1 and figure 8A, col. 18 lines 40-50, col. 18 lines 60-63 and col. 49 lines 19-21);

determining a packet classification for said packet (col. 76 lines 43-52);

retrieving advanced routing information corresponding to said packet classification (figure 1, col. 18 lines 40-50); and

sending said advanced routing information to said intermediate node (figure 1, col. 18 lines 40-50).

For claim 13, Elliott et al. disclose wherein said sending is performed over a virtual connection (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 14, Elliott et al. disclose wherein said virtual connection is secure (col. 79 lines 24-49).

For claim 15, Elliott et al. disclose wherein said retrieving comprises retrieving said routing information from a routing table (figure 5A, col. 34 lines 59-67).

For claim 16, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

receiving a request for an advanced network service for a packet from an intermediate node over a first virtual connection (figures 16A-B, col. 18 lines 40-63, col. 74 line 35 to col. 75 line 30, and col. 82 lines 40-51);

performing said advanced network service for said packet (col. 18 lines 33-63);
and

sending said packet over a second virtual connection (figure 1, col. 18 lines 40-63, col. 74 line 35 to col. 75 line 30 and col. 82 lines 40-51).

For claim 17, Elliott et al. disclose wherein said first and second virtual connections are secure (col. 79 lines 24-49).

For claim 18, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

a storage medium (figure 22B, col. 21 lines 36-41);

said storage medium including stored instructions that, when executed by a processor (figure 70 B, col. 58 lines 41-47), result in performing routing in a network by receiving a packet at a network node (col. 18 lines 33-63), determining whether said packet requires advanced routing services (figure 1, col. 18 lines 51-64), and sending said packet to a host advanced routing server (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 19, Elliott et al. disclose wherein the stored instructions, when executed by a processor, further result in sending said packet over a secure virtual connection (col. 79 lines 2449).

For claim 20, Elliott et al. disclose wherein the stored instructions, when executed by a processor (figure 70 B, col. 58 lines 41-47), further result in receiving said packet with advanced routing information, and sending said packet to another network node using said advanced routing information (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 21, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

a storage medium (figure 22B, col. 21 lines 36-41);

said storage medium including stored instructions that, when executed by a processor (figure 70B, col. 58 lines 41-47), result in performing routing in a network by receiving a packet at a network node (col. 18 lines 33-63), determining whether said packet requires advanced routing services (figure 1, col. 18 lines 51-64), sending a request for advanced routing information to an advanced routing services provider,

receiving said advanced routing information (figure 1, col. 18 lines 40-50), and routing said packet using said advanced routing information (figure 1, col. 18 lines 40-50).

For claim 22, Elliott et al. disclose wherein the stored instructions, when executed by a processor, further result in sending and receiving said request and said advanced routing information, respectively, over a secure virtual connection (col. 79 lines 24-49).

For claim 23, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

- a storage medium (figure 22B, col. 21 lines 36-41);

- said storage medium including stored instructions that, when executed by a processor (figure 70B, col. 58 lines 41-47), result in performing routing in a network by receiving a packet (col. 18 lines 33-63), determining a packet classification for said packet (col. 76 lines 43-52), and a request for advanced routing information from an intermediate node (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21), retrieving advanced routing information corresponding to said packet classification (figure 1, col. 18 lines 40-50), and routing said advanced routing information (figure 1, col. 18 lines 40-50).

For claim 24, Elliott et al. disclose wherein the stored instructions, when executed by a processor, further result in receiving and routing over a secure virtual connection (col. 79 lines 24-49).

For claim 25, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

- receiving a packet at a network node (figure 1, col. 18 lines 40-50);

determining whether said packet requires advanced routing services (figure 1, col. 18 lines 51-64); and

sending said packet to an advanced routing services provider (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 26, Elliott et al. disclose wherein said sending is performed over a secure virtual connection (col. 79 lines 24-49).

For claim 27, Elliott et al. disclose voice over data telecommunications network architecture, comprising:

a storage medium (figure 22B, col. 21 lines 36-41);

said storage medium including stored instructions that, when executed by a processor (figure 70B, col. 58 lines 41-47), result in performing advanced network services in a network by receiving a request for an advanced network service for a packet from an intermediate node over a first virtual connection, performing said advanced network service for said packet; and sending said packet over a second virtual connection (figure 1, col. 18 lines 40-63, col. 74 line 35 to col. 75 line 30 and col. 82 lines 40-51).

For claim 28, Elliott et al. disclose wherein the stored instructions, when executed by a processor, further result in receiving and sending over a secure virtual connection (col. 79 lines 24-49).

For claim 29, Elliott et al. disclose voice over data telecommunications network architecture, comprising: a communication medium (figure 1, col. 18 lines 40-57); a network node to connect to said communication medium, said network node to receive

a packet and determine whether said packet requires advanced routing services or advanced network services (figure 1, col. 18 lines 40-64); and a hosted advanced routing server to connect to said communication medium, said hosted advanced routing server to provide said advanced routing services or advanced network services for said packet (figure 1 and figure 8A, col. 18 lines 60-63 and col. 49 lines 19-21).

For claim 30, Elliott et al. disclose wherein said network node determines whether said packet requires said advanced routing services or advanced network services, said network node to send said packet and a request for such services over said communication medium (figure 1, col. 18 lines 40-64).

For claim 31, Elliott et al. disclose wherein said hosted advanced routing server receives said packet and request, and processes said packet in accordance with said request (figure 1 and figure 8A, col. 18 lines 40-63 and col. 49 lines 19-21).

For claim 32, Elliott et al. disclose wherein said network node determines whether said packet requires said advanced routing services or advanced network services, sends a request for such services over said communication medium, receives information to perform such services from said hosted advanced routing server, and processes said packet using said information (figure 1 and figure 8A, col. 18 lines 40-63 and col. 49 lines 19-21).

For claim 33, Elliott et al. disclose wherein said network node establishes a virtual connection to said hosted advanced routing server over said communication medium (figure 16B, col. 82 line 40 to col. 83 line 11).

For claim 34, Elliott et al. disclose wherein said virtual connection comprises a secure virtual connection (col. 79 lines 24-49).

Response to Arguments

5. Applicant's arguments filed on 06/18/04 have been fully considered but they are not persuasive.

The applicant argues with respect to claims 1-3 and 5-34 that Elliott fails to show any devices to perform routing operation. The examiner disagrees. Applicant's attention is directed to Elliott patent at col. 25 lines 5-8, Table 1 where Elliott clearly teaches "route server (RS) - Route servers are responsible for selection of least cost routes through the network and allocation of network ports."

Furthermore, the applicant argues that Elliott does not mention any device "determining whether said packet requires advanced routing service", and Elliott fails to disclose a "host advanced routing server" as recited in the claimed subject matter. The examiner disagrees. Applicant's attention is directed to Elliott patent at col. 21 lines 31-35 (figure 22B) where Elliott clearly teaches "In step 2204, the soft switch site determines the type of call by performing initial digit analysis. Based upon the information in the signaling message, the soft switch site 104 analyzes the initial digit of the dial number of the call and determine that it is a 1+ call." Elliott further teaches at col. 28 lines 24-35 (figure 2B) where Elliott teaches " In step 269, soft switch 204 queries route server 212 to receive a call route and to allocate circuits to connect the call. Route server 212 is responsible for using the DDD number to select a least cost route through data network 112, and allocating a terminating circuit for this call.

Additional information on how soft switch 204 interacts with route server 212 and terminating soft switch 304 is described in the Specific Implementation Example Embodiments Section below, in the section entitled Route Server. In step 270, route server 212 returns a route that indicates the connections that soft switch 204 must make a call.”

Moreover, the recited limitation “host advanced routing server” does not specifically point out what devices/component are/is constituted. Therefore, Elliott does teach all limitation recited in the claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

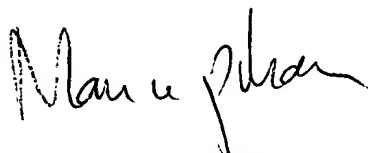
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D. Nguyen whose telephone number is 571-272-3153. The examiner can normally be reached on M-F (7:00AM-4:30PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER